

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
07-CV-4187(JMR/FLN)

Elliott Holly)
)
 v.) ORDER
)
 Carlton County)

Petitioner objects to the Report and Recommendation issued October 10, 2007, by the Honorable Franklin L. Noel, United States Magistrate Judge. The Magistrate recommended denying petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner's objections to the Report were timely filed pursuant to Local Rule 72.2(b).

Based on a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation [Docket No. 3]. Accordingly, IT IS ORDERED that:

1. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Docket No. 1] is denied.
2. Petitioner's application for leave to proceed in forma pauperis [Docket No. 2] is denied.
3. This action is dismissed with prejudice.
4. No certificate of appealability will be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 29th, 2007

s/ James M. Rosenbaum
JAMES M. ROSENBAUM
United States Chief District Judge